

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLINTON HECK,

Plaintiff,

v.

MARK STERN, *et al.*,

Defendants.

Case No. C06-5030 RJB

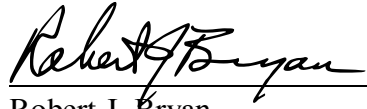
ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation (Dkt. 57 and 61), and the remaining record, does hereby find and ORDER:

- (1) Plaintiff's contention in his objections (Dkt. 57 and 61) that his claims under the Americans with Disabilities Act do not require exhaustion are without merit because 42 U.S.C. § 1997e(a) provides that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, *or any other Federal law*, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." *Emphasis added.*

- (2) The court adopts the Report and Recommendation (Dkt. 54).
- (3) Defendant Stern's motion to dismiss (Dkt. 45) is **GRANTED** and plaintiff's Amended Complaint (Dkt. 24) is **DISMISSED WITHOUT PREJUDICE**.
- (4) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants and to the Hon. Karen L. Strombom.

DATED this 29th day August, 2006.


Robert J. Bryan
United States District Judge